S.B.Civil Misc. Appeal No.1121/2004

United Insurance Company Ltd.

vs.

Smt. Kaku & Ors.

DATE OF ORDER : - 2.8.2004

HON'BLE MR. PRAKASH TATIA,J.

Mr.R.P.Vyas, for the appellant.

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Heard learned counsel for the appellant.

It is submitted by learned counsel for the appellant that the tribunal found the appellant company not liable for the payment of the award amount, but still directed appellant company to pay the compensation amount with right to appellant company to recover the said amount from the non-applicant no.2 Punja and non-applicant no.3 Dhoolji. According to learned counsel for the appellant in view of the judgment of the Hon'ble Apex Court the passengers travelling on the goods vehicle or on a tractor are not entitled for any amount from the Insurance Company and Insurance Company is not under obligation to reimburse the amount to the owner and, therefore, no direction should have been issued by the tribunal directing the appellant to pay the amount.

In view of the recent judgment of the Hon'ble Apex Court wherein such type of orders were not interfered, I do not find any reason to interfere in the order of the tribunal by which the tribunal directed the appellant to

pay the compensation amount with liberty to recover the amount from the non-claimants no.2 and 3. For any relief, in the light of the decision of the Hon'ble Apex delivered in the case of Sharvan Singh, the appellant may deposit the award amount in the tribunal and may make appropriate application for relief, which can be granted by the tribunal in the light of the decision of the Hon'ble Apex court.

In view of the above, the appeal of the appellant is dismissed with observation.

(Prakash Tatia), J.

c.p.goyal/-